

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 7, 2002  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10 :15 a.m.

Mayor Murphy stated that the City Council would begin today with a Special Order of Business matter and asked the Assistant City Clerk Jack Fishkin to swear in the new Fire Chief Jeff Bowman. After the swearing in, Mr. Bowman wished to thank the Mayor and the Council for their vote of confidence a month ago, and expressed that it was especially nice to come down to a wonderful City like San Diego knowing that you are welcome. Mr. Bowman also wished to thank the City Manager Michael Uberuaga, and the Assistant City Manager Lamont Ewell for extending their confidence in their selection that made him the new Fire Chief of San Diego. Mr. Bowman introduced his wife Denise stating that they are desperately trying to find a place to live in San Diego so they can move down. Mr. Bowman wished to make note that they have a number of their staff people here this morning for the swearing in, and thanked them for coming to recognize the event. Mayor Murphy congratulated Mr. Bowman for joining the City Team, and wished to give his congratulations to Assistant City Clerk Jack Fishkin on the Oath of Office. Mayor Murphy stated that he has given the Oath of Office many times, but that he always read it, and that Assistant City Clerk Jack Fishkin had it memorized. Mayor Murphy stated that it was a job well done.

Mayor Murphy welcomed and introduced Dick Bobertz who presented to the City on behalf of the San Dieguito River Park Board, a check for half a million dollars for habitat conservation. Mr. Bobertz stated that the Board of the San Dieguito River Park wanted the City Council to know that they are very grateful for their efforts on behalf of conservation throughout the City. Council Member Peters wished to thank Mr. Bobertz for coming out, and for all of his work. Council Member Peters stated that people are still surprised to learn that San Diego is building a 55 mile long park from the ocean to the mountains. Council Member Peters stated that it was his privilege to work with Council Member Maienschein and Mr. Bobertz on behalf of the JPA that works on that. Council Member Maienschein wished to echo what Council Member Peters stated in that they are doing some really great things on the JPA. Council Member Maienschein wished to concur that getting a check was a good day for the City of San Diego.

The meeting was recessed by Mayor Murphy at 12:05 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. with Council Members Madaffer and Inzunza not present. Mayor Murphy recessed the meeting at 3:03 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 3:08 p.m. with Council Members Madaffer and Inzunza not present. Mayor Murphy adjourned the meeting at 3:24 p.m. to Closed Session in the 12<sup>th</sup> floor conference room to discuss pending and potential litigation and Meet and Confer matters.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-Excused by R-296525 (Due to out of town City business)
- (8) Council Member Inzunza-Excused by R-296619 (Due to the birth of his child)

Clerk-Fishkin (pr/er)

FILE LOCATION:                      MINUTES

ITEM-300:                      ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

- (7) Council Member Madaffer-not present
- (8) Council Member Inzunza-not present

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

04/01/2002  
04/02/2002  
04/08/2002  
04/09/2002

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A064-066.)

MOTION BY ATKINS TO APPROVE. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-31: Tourism Week.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1492) ADOPTED AS RESOLUTION R-296441

Proclaiming May 6 through 12, 2002 to be "Tourism Week" in San Diego in  
recognition of the importance of the visitor industry to San Diego's economy and  
quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A067-161.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-32: Public Service Recognition Week, May 6 through May 12, 2002.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1447) ADOPTED AS RESOLUTION R-296442

Recognizing and applauding all City of San Diego employees for their outstanding service and commitment to excellence.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A163-242.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-33: SAY Day at the Bay 2002.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1432) ADOPTED AS RESOLUTION R-296443

Recognizing the accomplishments of Social Advocates for Youth, SAY San Diego, and proclaiming May 11, 2002 to be "SAY Day at the Bay 2002" in the City of San Diego.



**SUPPORTING INFORMATION:**

Commending Social Advocates for Youth, SAY San Diego, for providing services to San Diego's children, youth and families since 1971 and recognizing their annual gathering of child care families by proclaiming May 11, 2002 to be "SAY Day at the Bay" in San Diego.

Madaffer

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A242-313.)

MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding taxes, and his handout from the United States Code that are on file in the San Diego Law Library. According to Mr. Stillwell those pages indicate that Title 26, the IRS code, is not positive law.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A469-521.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER  
REFERRED TO THE CITY ATTORNEY**

Comment by Mel Shapiro regarding housing; supply and demand; permits; vacancy rates; and Council Policy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A523-B003.)

PUBLIC COMMENT-3:

Comment by Bert Decker regarding NTC, development, and finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B004-058.)

PUBLIC COMMENT-4: **REFERRED TO THE CITY MANAGER**

Comment by Nick Moffit regarding El Cajon Boulevard between 40<sup>th</sup> Street and College. Mr. Moffit stated that due to construction there, the streets are dangerous.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B068-146.)

PUBLIC COMMENT-5:

Comment by Joan Raymond regarding the City of San Diego Sanitation Driver reclassification proposal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B147-188.)

PUBLIC COMMENT-6:

Comment by Melody Robinson regarding the dedication of the part time workers at the Stadium. Ms. Robinson was requesting that the City extend holiday pay to the part time workers that work on holidays.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-237.)

PUBLIC COMMENT-7:

Comment by Bill Bradshaw regarding the public safety at the beaches and alcohol related problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B238-277.)

PUBLIC COMMENT-8: **REFERRED TO RULES COMMITTEE**

Comment by Lee Crawford regarding "Clean Money Elections," and clean election legislation which means the campaign funds were paid for by the people who were served by those campaigns.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B278-300.)

PUBLIC COMMENT-9:

Comment by Cruz William requesting the Council's support of Israel, and inviting the Council to a Mother's Day Rally sponsored by "Mothers Against Terrorism" at 4:00 p.m., Sunday, May 12, 2002, at De Anza Cove in Mission Bay Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B301-355.)

**PUBLIC COMMENT-10:**

Comment by Steve McWilliams regarding the Medical Cannabis. Mr. McWilliams stated that “Shelter from the Storm” are the primary care givers for the sick and dying.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B356-401.)

**PUBLIC COMMENT-11:**

Comment by Rod Johnson regarding having cancer, and that three doctors stated he should get his affairs in order because he had about a year left to live. Mr. Johnson stated that he was fortunate to have the time to get his affairs in order, and that Cannabis had done that for him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B402-450.)

**PUBLIC COMMENT-12:**

Comment by Beverly Walker regarding ADA upgrades as they pertain to the City Administration Building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B453-472.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Comment by Council Member Wear wishing to thank Council Member Peters for joining him this past Saturday at the “Wetlands Adventure Day” at the mouth of the San Diego River. Council Member Wear stated that 600 volunteers turned out to remove invasive plants and to do dune restoration, and that it was a tremendous volunteer event.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B474-519.)

**COUNCIL COMMENT-2:**

Comment by Council Member Atkins wishing to acknowledge the San Diego Police Department. Council Member Atkins stated that there was an article in the newspaper making a connection with a suspect through DNA analysis. Last year in the Banker Hill, Hillcrest Park West area, because of the DNA analysis, and the Police Department; a link to a suspect in three assaults that occurred in Tucson had been made. Council Member Atkins stated that there is a possibility that one of the assaults could be linked to an assault in San Diego. Council Member Atkins wished to inform the public that because of the connection, they now have a sketch to get out. Regarding Jahi Turner as well, Council Member Atkins stated that if people have any information or leads, she hopes they will call Crime Stoppers at the 619-235-TIPS number.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B522-563.)

**COUNCIL COMMENT-3:**

Comment by Council Member Maienschein wishing to extend his congratulations to Council Member Inzunza and his wife, and that he was told it was actually the first time that two City Council Member’s wives were expecting at the same time.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B563-574.)

**COUNCIL COMMENT-4:**

Comment by Mayor Murphy regarding last Friday Council Member Frye and himself opened the new Animal Shelter in her District. Mayor Murphy wished to recognize that it was a project that Supervisor Slater and former Council Member Stallings championed. Mayor Murphy stated that it was funded by the City, the County, the Humane Society, and by very generous donations from Helen Copley and Joan Kroc. Mayor Murphy expressed that it is a great advance for animal lovers and animals in our community.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B575-607.)

**CITY ATTORNEY COMMENT:**

None.

**CITY MANAGER COMMENT:**

None.

- \* ITEM-50: Central Core Amendments to Establish Minimum Floor Area Ratios and Building Heights.

(Centre City Redevelopment Project Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced as amended on 4/22/2002.  
(Council voted 9-0):

(O-2002-121 Rev.) ADOPTED AS ORDINANCE O-19056 (New Series)

Amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code  
(The Centre City Planned District Ordinance) relating to Floor Area Ratios and  
Height Limits.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT  
THE ORDINANCE. Second by Peters. Passed by the following vote: Peters-yea,  
Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present,  
Inzunza-not present, Mayor Murphy-yea.

\* ITEM-51: Lease Agreement - Park It on Market North - Gaslamp Video.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1551) ADOPTED AS RESOLUTION R-296444

Authorizing the City Manager to execute a Lease Agreement with Gary Truman  
d.b.a. Gaslamp Video located at 648 Market Street. The space to be leased  
consists of approximately 1,744 square feet of retail space. The initial rent is  
\$3,750 per month, commencing March 1, 2002, and terminating February 28,  
2007;

Declaring that rent paid during FY02, in the amount of \$15,000, will be deposited  
into Fund 75606.

**CITY MANAGER SUPPORTING INFORMATION:**

Gary Truman, d.b.a. Gaslamp Video will be leasing space from the City in the Park It on Market

North building located at the Northeast corner of Sixth Avenue and Market Street known as 648 Market Street. The premises leased consists of approximately 1,744 square feet of retail space.

The tenant will be leasing the space under the following basic lease terms:

**TERM** - For five (5) years. The target commencement date is March 1, 2002, terminating on February 28, 2007. The tenant has the option to extend the lease for one (1) additional five (5)-year period provided the tenant is not in default.

**RENT** - \$3,750 per month or approximately \$2.15 per square foot. The rental rate is at market value compared to similar space in the downtown area. The base rent will be adjusted annually by a fixed 4% increase.

**USE** - Retail use featuring the sale and rental of videos, audio/video related products, and tanning salon services.

**SIZE** - Approximately 1,744 square feet.

**TENANT IMPROVEMENTS** - CCDC shall install the following tenant improvements at its sole cost: HVAC, electrical subpanel and outlets, one handicapped accessible unisex restroom, and a mutually agreeable allowance for lighting and flooring. The cost of the improvements will be paid out of CCDC's Fund 75606, AC #2200147.

**FISCAL IMPACT:**

\$15,000 will be deposited into CCDC's Fund 75606 during FY02.

Herring/Griffith/DLM

**FILE LOCATION:** LEAS - Gary Truman d.b.a. Gaslamp Video

**COUNCIL ACTION:** (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-100: Hazard Elimination Safety Grant Application.



(See City Manager Report CMR-02-091. La Jolla, Uptown, Encanto and Kearny Mesa Community Areas. Districts-1, 3, 4 and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1431) ADOPTED AS RESOLUTION R-296469

Authorizing the City Manager to apply for a Hazard Elimination Safety Grant for the following locations: 1) Calle Del Oro at La Jolla Shores Drive, District 1, La Jolla Community, 2) Normal Street at University Avenue, District 3, Uptown Community, 3) Market Street at Merlin Drive, District 4, Encanto Community, 4) Convoy Street at Raytheon Road, District 6, Kearny Mesa Community;

Authorizing the City Manager to take all necessary actions to secure funding from the Hazard Elimination Safety Program for Hazard Elimination Safety at four intersections;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if grant funding is secured;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund for the grants;

Approving the addition of CIP-62-326.0, Intersection Hazard Elimination to the Fiscal Year 2002 Capital Improvements Program;

Approving a budget increase of \$113,400 per intersection that receives a grant up to an amount not to exceed \$453,600 in the Fiscal Year 2002 CIP Budget in CIP-62-326.0, Intersection Hazard Elimination, in the Hazard Elimination Safety Grant Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$453,600 from CIP-62-326.0, Intersection Hazard Elimination, for the purpose of hazard elimination at four intersections, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department to transfer funds to the appropriate reserves provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E243-296.)

MOTION BY ATKINS TO ADOPT WITH DIRECTIONS TO REFER THE ISSUE OF AUDIBLE SIGNALS TO THE SCRAB COMMITTEE, IF FUNDS ARE AWARDED, FOR COMMENTS AND EVALUATION FOR PLACEMENT OF AUDIBLE SIGNALS AT THE INTERSECTION OF NORMAL AND UNIVERSITY AVENUE. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-101: Azalea Neighborhood Park - Tot Lot Upgrade.

(City Heights Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1275 Cor. Copy) ADOPTED AS RESOLUTION R-296470

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-585.0, Azalea Neighborhood Park - Tot Lot Upgrade, in the amount of \$200,000, as follows: \$120,000 from 2000 Park Bond Per Capita Funds, Fund No. 38183; and \$80,000 from Mid-City Park Development Fund, Fund No. 39094;

Authorizing the City Auditor and Comptroller to expend \$200,000 from CIP-29-585.0, Azalea Neighborhood Park - Tot Lot Upgrade (\$120,000 from 2000 Park Bond Per Capita Funding, Fund No. 38183, and \$80,000 from Park Service District Fees, Fund No. 39094.)

**CITY MANAGER SUPPORTING INFORMATION:**

On August 15, 2000, City Council adopted Resolution R-293698 authorizing the City Manager, or his representative, to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (Park Bond), including playground upgrades in each Council District. The City Manager has secured the grant funding and has entered into a Grant Contract for Park Bond Per Capita Funds, and a Grant Contract for Roberti-Z'berg-Harris Per Capita Funds with the State of California. In addition, the City Manager will enter into a subcontract with the State of California specifying use of \$120,000 for a Tot Lot upgrade at Azalea Neighborhood Park. This action authorizes the City Manager, or his representative, to move Park Bond funding into the Capital Improvement Project for Azalea Neighborhood Park - Tot Lot Upgrade.

By State law, all public play areas must conform to the Consumer Product Safety Commission and American Society of Testing Materials Guidelines. Additionally, play areas are to be brought into compliance with Americans with Disabilities Act Guidelines. Playground upgrades will include improvements which comply with state and federal safety and accessibility regulations.

**FISCAL IMPACT:**

Funds in the amount of \$200,000 are available from 2000 Park Bond Per Capita Funds, Fund No. 38183 (\$120,000); and Mid-City Park Development Fund, Fund No. 39094 (\$80,000) for this purpose.

Herring/DVW

Aud. Cert. 2201021.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: E298-349.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-102: Two actions related to Annual Review of North City West (Carmel Valley) Facilities Master Plan.

(See City Manager Report CMR-02-092. Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1321) ADOPTED AS RESOLUTION R-296445

Accepting the 2000-2001 annual review of the North City West School Facilities Master Plan for the Carmel Valley Community.

Subitem-B: (R-2002-1458) ADOPTED AS RESOLUTION R-296446

Approving the updated North City West School Direct Deposit Fee Schedule for Fiscal Years 2002-2010.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

- ITEM-103: Amendment to Consultant Services Agreement Regarding the Ballpark and Redevelopment Project, with Jacobs, Chase, Frick, Kleinkopf & Kelly, LLC.

(District-2.)

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1475) ADOPTED AS RESOLUTION R-296471

Authorizing an amendment to the Retainer Agreement by and between the City of San Diego and Jacobs, Chase, Frick, Kleinkopf & Kelley, LLC, for consulting services concerning the Ballpark and Redevelopment Project by increasing the authorized amount for the Agreement by \$75,000;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund 102214, Dept. 102214, Org. No. 200, Object Account 4141, Job Order No. 000203.

**SUPPORTING INFORMATION:**

This action will amend the existing Jacobs, Chase, Frick, Kleinkopf & Kelley LLC, agreement for outside consultant services (by Mr. Paul Jacobs) to assist the City Attorney and City Manager regarding the Ballpark and Redevelopment Project by \$75,000 for a total agreement of \$1,117,000. Additional services from this firm will be necessary and appropriate as the project progresses and the ballpark is constructed. This contract amendment will permit the retention of Mr. Jacobs for consulting as needed during that time. Funds are available from excess funds previously allocated to the firm of Barrett Sports Group (Mr. Dan Barrett), which will also continue to be retained along with the firm of Long, Aldrich & Norman (Mr. Steve Labovitz) for consulting on an as needed basis.

Herring/Girard/JS

Aud. Cert. 2201055.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: E350-412.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-104: First Amendment to Agreement for Sorrento Valley Trunk Sewer and Sewer Pump Station 89.

(See Memorandum from Frank Belock, Jr., dated 3/25/2002. Torrey Pines, Sorrento Valley and University City Community Areas. District-1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1470) ADOPTED AS RESOLUTION R-296447

Authorizing the City Manager to execute a First Amendment to Agreement with Earth Tech Inc., for additional consulting services at a cost not to exceed \$234,967 for Sorrento Valley Trunk Sewer and Sewer Pump Station 89;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$234,967 from Sewer Fund 41506 (of which \$10,761.29 is from CIP-46-072.2, Catalina Boulevard Trunk Sewer Phase 2; \$79,264.89 is from CIP-46-162.0, East Linda Vista Trunk Sewer, and \$144,940.82 is from CIP-46-199.0, West Linda Vista Trunk Sewer) to Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer;

Authorizing the expenditure of an amount not to exceed \$234,967 from Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/3/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Council authorized an agreement with Earth Tech on August 2, 1999, Document No. R-292031, to provide engineering services for the replacement of Sorrento Valley Trunk Sewer and construction of Sewer Pump Station 89. The project is located in the Sorrento Hills, Torrey Pines, and University City community areas between Sewer Pump Station 64 and Sewer Pump Station 65. It consists of 11,000 linear feet of 18-inch, 15-inch, and 12-inch vitrified clay sewer main. Due to the deteriorated condition of the existing trunk sewer and the history of spills in the Penasquitos Lagoon, the replacement project will relocate the existing pipes outside the lagoon.

As part of the pre-design of this project, a packaged pre-fabricated pump station was proposed. During the design stage, it was determined by the project team that a conventional pump station with an emergency storage tank would be more reliable and should be installed due to the proximity to the Penasquitos Lagoon. This requires additional consultant design and construction support services.

**FISCAL IMPACT:**

The total cost of this agreement is \$634,967. Of this amount, \$400,000 was previously authorized by Council Resolution No. 292031. The estimated cost for this First Amendment is \$234,967. Funds of \$234,967 are available in Sewer Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer, for this purpose.

Loveland/Belock/HR

Aud.Cert. 2201026.

WWF-01-537.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-105: Awarding Sewer and Water Group Job 702 and Requesting Additional Funding.

(See Memorandum from Frank Belock, Jr., dated 3/25/2002. Peninsula and Midway Community Areas. District-2.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1393) ADOPTED AS RESOLUTION R-296448

Authorizing the City Manager to award a contract to Ortiz Corporation for Construction of Water and Sewer Group 702 in the amount of \$1,148,616.84;

Authorizing the expenditure of funds on Phase I of the Project in an amount of \$818,419, of which \$371,091.50 is from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$447,327.50 is from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement;

Authorizing the additional expenditure of an amount not to exceed \$100,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for such expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02036C)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/3/2002, NR&C voted 5 to 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

Water and Sewer Group Job 702 is part of the City of San Diego's continuing Annual Water and Sewer Main Replacement Program. The lowest responsible bid is \$100,000 higher than the engineer's estimate for the sewer portion of this group job and rebidding is not likely to result in a lower bid. This project includes the installation of approximately 5,130 feet of 12, 10, and 8-inch water main, and approximately 5,092 feet of 8-inch sewer main. It also includes the construction of 28 pedestrian ramps, slurry sealing, and resurfacing of the impacted City streets. The streets affected by construction operations within this project are: Chatsworth Boulevard, Alcott Street, Zola Street, Lytton Street, and Rosecrans Street. Traffic control plans have been prepared for this project and will be implemented during the construction operations. Residents will be notified by mail at least one (1) month before construction begins by the City's Engineering and Capital Projects Department and again ten (10) days before construction begins by the contractor through hand distribution of notices.



**FISCAL IMPACT:**

The total cost of this project is \$1,739,789.24. Authorizing an additional expenditure of \$100,000 from Sewer Fund 41506, CIP-44-001.0, Sewer Main Annual Allocation. This project is scheduled to be phase funded over FY02 to FY03. Funding for Phase I (FY02) is available in Sewer Fund 41506, CIP-44-001.0, Sewer Main Annual Allocation, in the amount of \$371,091.50 and in Water Fund 41500, CIP-73-083.0, Water Main Annual Allocation, in the amount of \$447,327.50 for this purpose.

Loveland/Belock/HR

Aud. 2201046.

WWF-02-583.

FILE LOCATION: CONT-Ortiz Corporation W. O. 184481/175381

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-106: Awarding of the Del Rey Sewer Replacement Project.

(See Frank Belock, Jr.'s 2/6/2002 memo. Pacific Beach and Mid-City Community Areas. Districts-2, 3 and 6.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1209) ADOPTED AS RESOLUTION R-296449

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Del Rey Accelerated Sewer Main Replacement (Project) on Work Order No. 174841;

Declaring that the Project contract is awarded to Pacific Southwest Construction and Equipment, Inc., and authorizing the City Manager to execute the Project contract, in an amount not to exceed \$1,330,591;

Authorizing the additional expenditure of an amount not to exceed \$445,700.71 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (Bid-K02037)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 2/13/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

Del Rey Sewer Replacement Project will replace and realign approximately 2,688 linear feet of existing 30-inch vitrified clay sewer main with approximately 3,363 linear feet of new 8-inch sewer main.

This project also abandons 1,691 linear feet of existing 30-inch vitrified clay sewer main. The existing sewer mains were installed in the early 1948 and are now oversized for the amount of flow and do not provide sufficient cleansing velocities causing odor and stoppages. This project will reduce these problems and will provide a more reliable sewage collection system for the service area.

This project is in Pacific Beach and the Mid-City Community Planning Areas. In the Pacific Beach Community Planning Area, sewer main will be replaced in the area bounded by Garnet Avenue and Rosewood Street on the north and south, and Del Rey Street and Figueroa Boulevard on the east and west. In the Mid-City Community Planning Area, lateral replumbs will be installed in the area bounded by Landis Street and Roselawn Avenue on the north and south, and Euclid Avenue and Roselawn Avenue on the east and west. Additionally, this project abandons 445 linear feet of easement main. For both community areas, the City will notify residents, via mail, at least one month prior to the construction. The Contractor will also notify the residents, via hand distribution, at least ten days prior to the commencement of construction.

Also, this project includes pedestrian ramps and resurfacing of impacted streets. The current contractor bid is 41% higher than the engineering estimate. Staff believes that re-advertising the bid will not result in a lower bid.

This project is North of Mission Bay Drive, therefore, it is not subject to a construction moratorium. The work on Grand Avenue and Mission Bay Drive will be performed at night. The construction schedule was coordinated with both the Pacific Beach Planning Committee and the Pacific Beach Business Interest District.

**FISCAL IMPACT:**

The total estimated costs of this project is \$1,726,424.94 of which \$329,303.94 is for engineering, \$1,330,591 is for construction and \$66,530 for contingencies and related cost. Funding is available in Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement for this purpose.

Loveland/Belock/HR

Aud. Cert. 2201005.

WWF-02-577.

**FILE LOCATION:** CONT-Pacific Southwest Construction and Equipment, Inc.  
W. O. 174841

**COUNCIL ACTION:** (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-107: Employee Suggestion Awards.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Authorizing Suggestion Awards to the following employees:

Subitem-A: (R-2002-1437) ADOPTED AS RESOLUTION R-296450

Alfred Peabody - Metropolitan Wastewater Department - \$1,123.87

Subitem-B: (R-2002-1438) ADOPTED AS RESOLUTION R-296451

Philip Leber - Fire and Life Safety Services - \$25

Gunnar Granquist - Fire and Life Safety Services - \$25

Subitem-C: (R-2002-1439) ADOPTED AS RESOLUTION R-296452

Leonard Morrison - Metropolitan Wastewater Department - \$160

Enrico C. Layug - Metropolitan Wastewater Department - \$325.06

Subitem-D: (R-2002-1440) ADOPTED AS RESOLUTION R-296453

Fernando Sioson - Metropolitan Wastewater Department - \$280

Bruce E. Hoover - Metropolitan Wastewater Department - \$198.90

FILE LOCATION: SUBITEMS A, B, C, & D: MEET

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-108: Settlement of a Personal Injury Claim of Richard A. Carteron.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1460) ADOPTED AS RESOLUTION R-296454

A Resolution approved by the City Council in Closed Session on Tuesday, April 2, 2002, by the following vote: not present-Peters; Wear-yea; Atkins-yea; Stevens-not present; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$50,000 in the settlement of each and every claim against the City, its agents and employees, resulting from an incident on April 11, 2002 (Superior Court Case No. GIC 760946, Richard A. Carteron v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue two checks, one in the amount of \$31,500, made payable to Richard A. Carteron and his attorney of record Frederick Schenk, and one in the amount of \$18,500, made payable to Gallagher Bassett Services in full settlement of all claims.

**CITY MANAGER SUPPORTING INFORMATION:**

This constitutes the complete and final settlement of the personal injury claim of Richard A. Carteron against the City of San Diego, its agents and employees, as a result of an incident which occurred on April 11, 2000.

Lexin/Lopez/SF

Aud. Cert. 2201003.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-109: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-905) ADOPTED AS RESOLUTION R-296455

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: Gen'l-State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1472) ADOPTED AS RESOLUTION R-296456

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: Gen'l-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

- \* ITEM-111: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1466) CONTINUED TO TUESDAY, MAY 14, 2002

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C004-059.)

MOTION BY ATKINS TO CONTINUE THIS ITEM TO TUESDAY, MAY 14, 2002 AS A COURTESY TO COUNCIL MEMBER MADAFFER AND COUNCIL MEMBER INZUNZA TO ALLOW THEM TO BE PRESENT TO VOTE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

Monarch Estates Unit No. 6

COMMUNITY AREA

Mira Mesa

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director or Planning and Development Review or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-330: American Tower Corporation: 5252 Balboa Avenue, Communication Antenna Facility.

Matter of approving, conditionally approving, modifying or denying a Conditional Use Permit (CUP) to legalize and expand an existing rooftop antenna facility on a ten-story commercial office building, and a Site Development Permit (SDP) to allow for an exception to the Clairemont Mesa Height Limit Overlay Zone for a wireless communication antenna facility located at 5252 Balboa Avenue in the Clairemont Mesa Community Plan area. The project proposes the demolition of some existing rooftop equipment and the relocation and organization of existing communication antennas. The proposed project also provides for future antenna placement and new screening material for the facility.

(See City Manager's Report CMR-02-100. 40-0322-01-CUP/SDP. Clairemont Mesa Community Plan area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to grant the permit:

(R-2002- ) CONTINUED TO TUESDAY, MAY 21, 2002

Adoption of a Resolution granting or denying Conditional Use/Site Development Permit No. 40-0322-01, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 24, 2002, voted 5 - 0 to approve; no opposition.

Ayes: Garcia, Brown, Anderson, Lettieri, Butler

Not present: Schultz, Stryker



The Clairemont Mesa Community Planning Committee on November 20, 2001, voted 11-1 to recommend approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

American Tower Corporation is requesting a Conditional Use Permit to operate a large collocated communication facility to serve a variety of wireless service providers, and a Site Development Permit to exceed the Clairemont Mesa Height Limit Overlay Zone. The project site is located at 5252 Balboa Avenue, at the intersection of Balboa Avenue and Genesee Avenue, in the Clairemont Mesa Community Plan Area.

The project would consist of a maximum of 76 communication antennas and the associated electronic equipment cabinets on the roof of an existing, 123-foot high, commercial office building. The types of antennas include directional (panel) antennas, omni (whip) antennas and dish (satellite) antennas. The equipment cabinets would be located behind screening elements on the roof or within the interior of the existing mechanical shelters.

**FISCAL IMPACT:** None.

Ewell/Christiansen/JPH

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303(3).

**FILE LOCATION:** PERM-American Tower Corporation, 5252 Balboa (65)

**COUNCIL ACTION:** (Tape location: B607-C001.)

MOTION BY FRYE TO CONTINUE THIS ITEM TO TUESDAY, MAY 21, 2002 FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-331: Two actions related to the Formation of Community Facilities District No. 3-Liberty Station (Companion Item to Redevelopment Agency).

(See City Manager Report CMR-02-096. Peninsula Community Planning Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1282) ADOPTED AS RESOLUTION R-296472

Resolution of Intention to establish Community Facilities District No. 3 (Liberty Station) and improvement areas therein, to authorize the levy of special taxes to pay the costs of acquiring or constructing certain facilities and expenses of the

district and to pay debt service on bonded indebtedness and approving a purchase and financing agreement.

Subitem-B: (R-2002-1283) ADOPTED AS RESOLUTION R-296473

Resolution of Intention to incur bonded indebtedness within Community Facilities District No. 3 (Liberty Station).

FILE LOCATION: SUBITEMS A & B: STRT-CF-3 (58)

COUNCIL ACTION: (Tape location: D012-E187.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-332: Nob Hill Place.

Matter of approving, conditionally approving, modifying or denying an application for a -1) Community Plan Amendment (Uptown) to redesignate an easterly portion of a 40,000 square-foot site (0.92-acre) from Residential Density 3 to Residential Density 5; 2) Rezone of an easterly portion of the site from NP-3 (Neighborhood Professional) to NP-1, within the Mid-City Communities Planned District; 3) Site Development Permit to construct a multi-story, 51-unit apartment complex on the easterly portion of the site (adjacent to First Ave.), and to construct six (6) multi-story row homes (single-family residential) on the westerly portion of the site (adjacent to Front St.); and 4) Tentative Map to allow for sale

of the row homes as condominiums. The demolition of an existing office building is included. The property is addressed as 2320 First Avenue, and located north of Juniper St., south of Kalmia St., east of Front St. and west of First Ave. The property is legally described as Lots D, E, F, G, H, I, J and K in Block 266 of Horton's Addition, according to Map by L.L. Locking, and is located within the Airport Approach Overlay Zone (AAOZ).

(See City Managers Report CMR No. 02-099. CPA/RZ/SDP/MCD/TPM-41-0464. Uptown Community Plan area. District 3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in Subitems A and B; introduce the ordinance in subitem C, adopt the resolution in Subitem D to grant the permit, and adopt the resolution in Subitem E to grant the map:

Subitem-A: (R-2002-1452) ADOPTED AS RESOLUTION R-296457

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 41-0464, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Nob Hill condominium development.

Subitem-B: (R-2002-1453) ADOPTED AS RESOLUTION R-296458

Adoption of a Resolution amending the Uptown Community Plan to become effective upon City Council adoption of the General Plan Amendment;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2002-131) INTRODUCED, TO BE ADOPTED ON TUESDAY,  
MAY 21, 2002

Introduction of an Ordinance changing 0.57 acres, located within the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone (Neighborhood Professional, Office and Medium-Density Residential) into the NP-1 Zone (Neighborhood Professional, Office and High-Density Residential), as defined by San Diego Municipal Code section 103.1510; and repealing Ordinance No. O-17306 (New Series), adopted May 30, 1989, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2002- ) GRANTED PERMIT, ADOPTED AS RESOLUTION  
R-296459

Adoption of a Resolution granting or denying Site Development and Mid-City Development (SDP/MCD) Permit No. 41-0464, with appropriate findings to support Council action.

Subitem-E: (R-2002- ) GRANTED MAP, ADOPTED AS RESOLUTION  
R-296460

Adoption of a Resolution granting or denying Tentative Parcel Map (TPM) No. 41-0464, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on March 21, 2002, voted 5-0 to approve; no opposition.

Ayes: Stryker, Lettieri, Anderson, Brown, Garcia

Recusing: Butler

Not present: Schultz

The Uptown Community Planning Group has recommended approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The project is located in the southern portion of the City block bounded by Kalmia Street, First Avenue, Juniper Street and Front Street within the Uptown Community Plan Area. The site is comprised of two vacant lots on First Avenue, a vacant office building located at the corner of First Avenue and Juniper Street, and a parking lot at the corner of Juniper and Front Streets.

The existing office building will be demolished. The site area consists of approximately 0.92-acres (40,000 square-feet) and includes 250 feet of frontage on First Avenue, 200 feet of frontage on Juniper Street, and 150 feet of frontage on Front Street.

The site is located within the Mid-City Communities Planned District (MCCPD) and is divided into two zones. The 25,000 square-foot easterly portion of the site is zoned NP-3 (Neighborhood Professional) which allows a residential density of one unit per 1,500 square-feet of parcel area.

**FISCAL IMPACT:**

All costs associated with the processing of this application are recovered from a deposit account funded by the applicant.

Ewell/Christiansen/WCT

**LEGAL DESCRIPTION:**

The project site is located in the southern portion of the city block bound by Kalmia Street, First Avenue, Juniper Street, and Front Street in the Uptown Community Planning Area and is more particularly described as Lots D, E, F, G, H & I of Block 266 of Horton's Addition; and Parcel+2, Map No. 18651.

<b><u>FILE LOCATION:</u></b>	SUBITEMS A, D, & E: Nob Hill Place 05/07/02 (65)
	SUBITEM B: LAND-Progress Guide and General Plan/ Uptown Community/Nob Hill (09)
	SUBITEM C: NONE

<b><u>COUNCIL ACTION:</u></b>	(Tape location: C070-337.)
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Hearing began at 11:45 a.m. and halted at 12:05 p.m.

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND TO ADOPT THE RESOLUTIONS TO GRANT THE MAP AND TO GRANT THE PERMIT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\*ITEM-S500: Six actions related to Parcel Map W. O. No. 410666 (Sunroad) and Related Items.

(Otay Mesa Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2002-1407) ADOPTED AS RESOLUTION R-296461

Approving the Final Map.

Subitem-B: (R-2002-1409) ADOPTED AS RESOLUTION R-296462

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Sunroad Otay Partners, L.P., for the installation and completion of certain public improvements;

Declaring that this resolution shall not be effective unless Sunroad sells to Orix Otay, LLC, that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-C: (R-2002-1408) ADOPTED AS RESOLUTION R-296463

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Orix Otay, LLC, for the installation and completion of certain public improvements;

Declaring that this resolution shall not be effective unless Orix purchases from Sunroad Otay Partners, L.P., that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-D: (R-2002-1410) ADOPTED AS RESOLUTION R-296464

Authorizing the City Manager to terminate a Subdivision Improvement Agreement entered into with Sunroad Otay Partners, L.P., on August 15, 2002, by Resolution R-293722, and releasing Performance Bond No. BE2616627 issued by Gulf Insurance Company in the amount of \$5,392,036, for the installation and completion of certain public improvements;

Declaring that this resolution shall not be effective unless Sunroad sells to Orix Otay, LLC, that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-E: (R-2002-1411) ADOPTED AS RESOLUTION R-296465

Authorizing the City Manager to execute an agreement with Sunroad Otay Partners, L.P., for the construction of an off-site drainage channel;

Declaring that this resolution shall not be effective unless Sunroad sells to Orix Otay, LLC, that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

Subitem-F: (R-2002-1494) ADOPTED AS RESOLUTION R-296466

Authorizing the City Manager to execute an agreement with Orix Otay, LLC, for traffic signal improvements;

Declaring that this resolution shall not be effective unless Orix purchases from Sunroad Otay Partners, L.P., that portion of property owned by Sunroad which lies south of the proposed right-of-way for Interstate 905.

**CITY MANAGER SUPPORTING INFORMATION:**

This parcel map proposes the consolidation of 31 lots into nine parcels on a 74.529 acre site for industrial development. It is located southwesterly of Otay Mesa Road and Piper Ranch Road in the Otay Mesa Community Plan Area. This parcel map requires City Council approval because streets, drainage and slope easements, and irrevocable offers to dedicate public streets are being vacated on the map.

The streets, easements and irrevocable offers to dedicate granted to the City of San Diego on Sunroad Otay Park 1 Map No. 14023 are no longer necessary because of the redesign for the property, and are therefore being vacated. A new drainage easement is granted on the map to accommodate the new utility locations. Staff has determined that the revised project is consistent with all existing regulations and the previously approved tentative map.

The original map of Sunroad Otay Park 1 Map No. 14023 is being divided into two parts via this parcel map. The public improvements for the northern portion as shown on Engineering

Drawing No. 31562-D are being assured by an agreement and bond in the amount of \$2,526,177. The public improvements for the southern portion of the map as shown on Engineering Drawing No. 29251-D are being assured by an agreement and bond in the amount of \$1,859,318. These bonds will replace the original one in the amount of \$5,392,036, which will be released upon termination of the original agreement. The difference in total amounts is due to the elimination of internal streets as vacated on the parcel map.

The offsite drainage channel required for this project is shown on the plans for the southern portion of the map. The subdivider of the northern portion is entering into an agreement whereby he will construct this channel in the event that it is required prior to the time that the southern improvements are constructed.

For ADT information, please refer to Project Traffic Information sheet.

The subdivider of the southern portion of the parcel map has entered into a bonded agreement with the City of San Diego in order to assure the installation of a traffic signal and related public improvements at the intersection of Airway Road/Piper Ranch Road.

**FISCAL IMPACT:** None.

Ewell/Broughton/GRB

**FILE LOCATION:** SUBITEMS A, B, C: SUBD-Parcel Map 41-0666 (40)  
SUBITEM: E & F: MEET

**COUNCIL ACTION:** (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\*ITEM-S501: Carmel Mission Park.

(Carmel Valley Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1506 Cor. Copy) ADOPTED AS RESOLUTION R-296467



Authorizing the City Auditor and Comptroller to expend \$58,000 from the Public Liability Fund, Fund No. 81140, for the settlement of all claims of property rights between the parties to the action entitled, City of San Diego v. NM Homes One, LLC, et al., San Diego Superior Court Case No. GIC785332, to the property known as Carmel Mission Park;

Authorizing the City Auditor and Comptroller to expend \$54,600 from Public Liability Fund, Fund No. 81140, to acquire property rights for Carmel Mission Park;

Declaring that this action is exempt from CEQA pursuant to State CEQA Guidelines, Section 15061(b)(3).

**CITY MANAGER SUPPORTING INFORMATION:**

The authorization of \$54,600 will allow for the acquisition of Lot 54 of Map 11364, Carmel Valley Unit No. 1. Lot 54 is 2.93 acres in size and is adjacent to the existing Carmel Mission Park. The acquisition of this parcel will provide for the expansion of the existing park to over 7½ acres.

The authorization of \$58,000 will be for the settlement of a Quiet Title Lawsuit regarding property rights for Lot 54.

**FISCAL IMPACT:**

\$54,600 is available in Fund 79002, CIP-29-574.0, and \$58,000 is available from Public Liability Fund 81140.

Herring/Griffith/MRS

Aud. Cert. 2201075.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

ITEM-S502: Reimbursement Agreement to Construct Street Improvements on the Southwest Corner of the Intersection of Rosecrans Street and Midway Drive.

(Midway/Pacific Highway Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1487) ADOPTED AS RESOLUTION R-296474

Authorizing the City Manager to execute a Reimbursement Agreement with Evergreen Devco, Inc., for the construction of street improvements at the southwest corner of Rosecrans Street and Midway Drive;

Declaring that the Competitive Bid Solicitation requirements are not applicable to the Project because competitive proposals would be unavailing, would not produce an advantage, and the advertisement for competitive bids would be undesirable, impractical, or impossible. The requirement for solicitation of competitive bids does not apply to the Project based upon the following relevant facts: (a) developer has completed design of the project and is willing to absorb the costs of design beyond the fair share Development Impact Fee of \$23,000, (b) developer is having property owner dedicate the street frontage at no cost to the City, and (c) due to crews being on-site, the constructed street improvements will be accomplished more expeditiously and at less cost to the City. The improvements to be constructed are not required under Evergreen Devco, Inc.'s permit, nor could they be an exaction;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$275,000 for project reimbursement subject to Reimbursement Agreement conditions.

**CITY MANAGER SUPPORTING INFORMATION:**

Walgreen Company has acquired 3005 Midway Drive (intersection of Rosecrans Street and Midway Drive) and proposes to construct a 14,490 square foot Walgreens Pharmacy. In conjunction with this re-development, Evergreen Devco, Inc., Developer of the Walgreen's project, has agreed to enter into a reimbursement agreement to construct street improvements on

the southwest corner of the intersection of Rosecrans Street and Midway Drive. Such improvements will include the construction of a right-turn lane on the south side of Midway Drive, relocation and/or replacement of a traffic signal, relocation and/or replacement of a storm drain and catch basin and miscellaneous public utilities, relocation and/or replacement of a raised median, traffic lane striping, and the installation of sidewalk, curbs and gutters, and of landscaping. Midway/Pacific Highway Development Impact Fee Fund (\$53,000) and State Route 209 and 274 Cooperative Agreement Fund (\$222,000) are available to finance the reimbursement agreement.

The requirement for solicitation of competitive bids will not apply to this project based upon the following relevant facts: developer has completed design of the project and is willing to absorb the costs of design beyond the fair share Development Impact Fee of \$23,000; developer is having property owner dedicate the street frontage at no cost to the City; due to crews being on-site, the constructed street improvements will be accomplished expeditiously and at less cost. The improvements to be constructed are not required by permit; nor could they be an exaction.

**FISCAL IMPACT:**

Minimal. The funds needed for this project will be provided from Midway/Pacific Highway Community Development Impact Fees and from State Route 209 and 274 Cooperative Agreement funds.

Ewell/Goldberg/GH

Aud. Cert. 2201060.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: E236-240.)

MOTION BY WEAR TO ADOPT WITH THE STIPULATION THAT THE FUNDING FOR THE PROJECT WILL COME OUT OF THE ROSECRANS 209 PORTION OF THE CALTRANS DOLLARS. Second by Frye. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

\* ITEM-S503: Appointments and Reappointments to the Small Business Advisory Board.

(See memorandum from Mayor Murphy dated 5/1/2002 with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1535) ADOPTED AS RESOLUTION R-296468

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Small Business Advisory Board, for terms expiring as indicated, and in categories as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
George P. Chandler, Jr. (Reappointment)	Small Business Administration Director	July 1, 2004
Jesse R. Navarro (Reappointment)	Small Business Owner	July 1, 2003
Warren J. Simon	Business Improvement District Council Designated Representative	July 1, 2004
Ms. Chi Kim Tran (Replacing Jacqueline Wise, whose term has expired)	Economic	July 1, 2003
Spencer C. Skeen	Legal	July 1, 2004

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A358-390.)

CONSENT MOTION BY WEAR TO CONFIRM THE APPOINTMENTS AND THE REAPPOINTMENTS. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-not present, Inzunza-not present, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 3:24 p.m. in honor of the memory of:

Jamie Bratton-McNeeley as requested by Council Member Atkins;  
Marcia Edelman Lemon Collins as requested by Council Member Maienschein;  
Corey Lane Frank as requested by Mayor Murphy.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E418-484).